



PRESIDENT'S DEPARTMENT

AIR LINE PILOTS ASSOCIATION, INTERNATIONAL

THE WORLD'S LARGEST PILOTS UNION • WWW.ALPA.ORG

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April 9, 2013

Dear Representative:

On behalf of the more than 50,000 professional pilots I have the privilege of representing, the Air Line Pilots Association (ALPA) urges you to vote no on H.R. 1120, the "Preventing Greater Uncertainty in Labor Management Relations Act".

H.R. 1120 would require the National Labor Relations Board (NLRB) to cease all activity that requires a three member quorum and prohibit it from enforcing any action taken after January 2012. While the NLRB enforces the rights of workers to form unions and bargain collectively, it also protects business and the public by providing orderly procedures for preventing disruptions in commerce by either side to a labor dispute. H.R. 1120 would shut down the NLRB indefinitely, and deprive both labor and management of the ability to have their rights adjudicated when a violation of the NLRA is alleged.

While there is no question that the decision by the United States Court of Appeals for the District of Columbia Circuit in *Noel Canning v. NLRB* has thrown our system of labor law enforcement into disarray, Congress should not interfere with the functioning of the NLRB while cases involving the President's recess authority make their way through the federal court system. The U.S. government has announced that it will appeal the ruling, and even the D.C. Circuit is holding other appeals from the NLRB in abeyance pending review by the U.S. Supreme Court.

Other cases challenging the NLRB recess appointments have been argued but not decided in the 3rd and 4th Circuits; and similar cases are pending in the 5th, 6th and 7th Circuits. Finally, a case decided by the 11th Circuit in 2004 upheld the constitutionality of a similar recess appointment of Judge William Pryor made by President George W. Bush. In fact, the *Noel Canning* decision is inconsistent with that of three other courts of appeals and decades of accepted practice concerning recess appointments.

The solution to this problem is for the President to promptly nominate, and for the Senate to promptly confirm, a full package of NLRB nominees. This will remove any doubt about the Board's authority to act and restore stability to our system of labor-management relations.

By ordering the NLRB to "cease all activity that requires a quorum," the bill would shut down the agency and deny workers a final, enforceable order from the NLRB when they have been illegally fired, retaliated against, denied the right to bargain with their employer, or otherwise had their legal rights violated. Employers could simply ignore the law, knowing that there could not be a timely decision against them by the NLRB. This would throw our nation's labor relations into chaos and deprive workers of their legal rights.

ALPA has a long history of operating in a bipartisan manner. It is in this spirit that we ask members of Congress from both parties to carefully consider the detrimental impact H.R. 1120 would have on the rights of workers and employers. Thank you for your time and consideration of our views.

Sincerely,

Captain Lee Moak, President